

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANTWANETTE BOWLES,

Plaintiff,

vs.

Civil Action No. 2:20-cv-02780-TLP-atc

JURY DEMANDED

MEMPHIS LIGHT, GAS and
WATER DIVISION,

Defendant.

AMENDED COMPLAINT

I. INTRODUCTION

This is an action for declaratory, injunctive and monetary relief brought by plaintiff, Antwanette Bowles, against his employer, Memphis Light, Gas and Water Division (hereinafter "MLGW"). Plaintiff alleges, as more specifically set forth below, that she was subjected to unlawful discrimination on the basis of disability and retaliation, in violation of the Americans with Disabilities Act Amendments Act (ADAAA). Americans with Disabilities Act of 1990, § 102(a), 42 U.S.C.A. § 12112(a), as amended 2008.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction of the Plaintiff's claim under The Americans with Disability Act pursuant to 42 U.S.C.A. § 12112(a), et seq., which provides for injunctive and remedial relief from discrimination in employment.

2. The Plaintiff has complied with all conditions precedent to commence in this lawsuit under The Americans Disability Act by filing a Charge of Discrimination with the Equal Employment Opportunity Commission and receiving a Notice of Right to Sue and is filing within the ninety (90) day period.

3. Plaintiff is a citizen and resident of Memphis, Shelby County, Tennessee and was employed by the Defendant in Memphis, Shelby County, Tennessee.

4. Defendant, Memphis Light, Gas and Water Division, is a company doing business in the state of Tennessee, with operations located in Memphis, Shelby County, Tennessee. This Defendant may be served with process by delivering a copy of the summons and complaint to its highest ranking official, located at 220 South Main Street, Memphis, Shelby County, Tennessee 38103. Defendant is an employer as defined by 42 U.S.C.A § 12112(a) and is therefore subject to the provisions of The Americans with Disabilities Act.

5. Plaintiff is a member of the class of persons protected by the foregoing Act and statute in that Plaintiff had a disability or was regarded as disabled when she suffered retaliation.

FACTS

6. Plaintiff, Antwanette Bowles, was employed by the Defendant, MLGW, in Memphis, Shelby County, Tennessee as a Contract Specialist level II, located in Memphis, Shelby County, Tennessee. During this period of time, the Plaintiff suffered an aneurysm. Because of the aneurysm, the plaintiff missed a period of time from work. After informing her employer of her disability, plaintiff was sent for an evaluation by the

employer. Employer then took plaintiff off work based on the evaluation. Plaintiff was told to apply for other jobs. Plaintiff applied for several jobs but was never awarded any job. Ultimately, Defendant terminated plaintiff from her employment based on her leave expiring.

7. The sole reason for Plaintiff's treatment was because of her disability and retaliation for her actions to protect the civil rights in violation of The Americans with Disabilities Act of 1990, as amended in 2008. Such action by Defendant Memphis Light, Gas and Water Division constitutes discrimination on the basis of her disability and retaliation.

8. Additionally, the conduct displayed by the Defendant constitutes a pattern and practice of discrimination by the Defendant.

9. As a result of the intentional conduct of the Defendant, as set forth above, Plaintiff has suffered actual injury including, but not limited to, loss of income and benefits, as well as extreme humiliation, embarrassment, and mental anguish and emotional distress.

PRAYER FOR RELIEF

WHEREFORE, AND CONSIDERATION OF THE FOREGOING, PLAINTIFF PRAYS that the Court, after service of this action upon Defendants, direct the Clerk to set this matter for trial. Plaintiff further requests a jury to hear this cause, and upon a hearing and verdict thereon prays for the Court to issue a judgment;

1. Finding that the Defendant's actions constituted intentional disability and retaliation discrimination in violation of The Americans with Disabilities Act of 1990, as amended 2008.

2. Awarding Plaintiff for back pay and benefits in the amount to be determined at trial;
3. Awarding Plaintiff actual and compensatory damages in the amount of \$300,000;
4. Awarding Plaintiff punitive damages in the amount of \$300,000;
5. Awarding Plaintiff pre-judgement judgment interest; and
6. Attorney fees as provided by law.

Respectfully submitted,

TAYLOR & TOON, PLLC

s/Christopher L. Taylor
CHRISTOPHER L. TAYLOR (BPR# 018246)
Attorney for Plaintiff
Fall Building
22 North Front Street, Suite 755
Memphis, Tennessee 38103
(901) 333-8200
E-mail: ctaylor@taylortoon.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is the attorney of record for plaintiff and the foregoing was filed electronically, which will cause it to be served by operation of the Court's electronic filing system upon the following:

Brooks E. Kostakis
Boyle Brasher LLC
80 Monroe Avenue, Suite 410
Memphis, Tennessee 38103

This the 1st day of February, 2021.

TAYLOR & TOON, PLLC

s/Christopher L. Taylor
CHRISTOPHER L. TAYLOR